

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39601 of 2015

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Ankit Gupta son of Subash Chandra Gupta, at present resident of Lalganj Tola, P.S. -Dihri (T), District - Rohtas, permanent resident of House No. 4119 (First Floor), Naya Bazar, P.S. - Lahori Gate, Delhi – 6

.... Petitioner/s

Versus

1. The State of Bihar.

2. South Bihar Power Distribution Co. Ltd., Bidyut Bhawan, Bailey Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate

For the State : Ms. Asha Kumari, APP

For the SBPDCL : Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 07-12-2015 Heard learned counsel for the petitioner and learned counsel for the State.

By way of present application under section 482 of the Code of Criminal Procedure, the petitioner seeks modification of the order 11.8.2014 passed in Cr. Misc. No.21986 of 2014 whereby he has been granted pre-arrest bail in connection with Dehri (Town) P.S. Case No.335 of 2013.

In Cr.Misc. No. 21986 of 2014, the petitioner had agreed to deposit a sum equal to average consumption for the months of

October to December, 2012, subject to proper accounting and with an undertaking to deposit the remaining amount, if any, lying due against him immediately.

After hearing the parties, this Court allowed his application on filing a duly verified petition supported with personal affidavit before the Court below and making payment as per submissions made before the Court.

It is contended that the order dated 11.8.2014 is vague and the officials of the Electricity Board have not served upon him the exact amount, which is to be deposited, in view of the aforesaid order passed by this Court as a result of which the petitioner could not deposit the amount and furnish bond and sureties before the Court below.

Learned counsel for opposite party no.2 has submitted that the instant application for modification of the order dated 11.8.2014 has been filed after inordinate delay of one year without explaining any reason for the delay. However, he contends that in case the petitioner deposits the amount mentioned in the FIR, he has no objection to the application filed on behalf of the petitioner seeking modification of the order.

In reply, learned counsel for the petitioner submits that the petitioner is ready to deposit the entire amount of estimated

loss of Rs.1,70,055/- as mentioned in the FIR within one month from today.

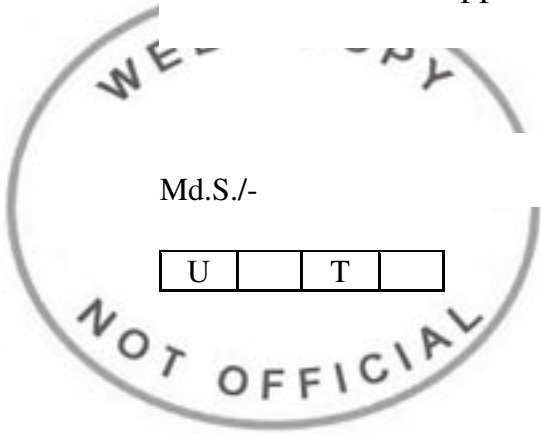
I have heard learned counsel for the parties and carefully perused the record.

In view of the submissions made at the Bar, the order dated 11.8.2014 passed in Cr. Misc. No.21986 of 2014 is modified as under:-

“In the event of arrest or surrender within five weeks from today, the petitioner is directed to be released on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas at Sasaram in connection with Dehri (T) P.S. Case No.335 of 2013 subject to deposit of Rs.1,70,055/- in the form of FDR in the name of the Trial Court and other conditions as laid down under section 438(2) of the Code of Criminal Procedure.”

It is made clear that the said deposit of the FDR will be without any prejudice to the rights of the petitioner in the criminal case and encashment and payment of the same would depend on the outcome of the criminal trial.

With the aforesaid observations and directions, the application is disposed of.



(Ashwani Kumar Singh, J)